

**HON'BLE SRI JUSTICE B. SESHASAYANA REDDY**

**W.P.NO.11836 OF 2005**

**DATED: 13.9.2005**

Between:

The Management of Pragathi High School,  
Yapral, R.R. District, represented by its  
Secretary and Correspondent Sri R.Srinivas  
Reddy and others  
... Petitioners

and

The District Educational Officer,  
R.R. District, R.R. District Collector  
Offices Complex, Lakdikapool,  
Hyderabad and others  
... Respondents

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**ORDER:**

This writ petition has been filed by the petitioners, who are three in number,  
with a prayer to issue an appropriate writ, order or direction, more particularly one in

the nature of Writ of Mandamus, to declare the action of the respondent-authorities in not taking steps in preventing the management of Vignan School-5<sup>th</sup> respondent, in opening and running a school, without obtaining prior permission, as arbitrary and illegal.

Mr. R. Srinivas Reddy-1<sup>st</sup> petitioner has sworn to the writ petition. It is stated in the writ affidavit that the 5<sup>th</sup> respondent has come up with mega publicity by releasing advertisement in print media in large scale informing the gullible parents and their wards that admissions are open for I to VIII classes. It is further stated that the 5<sup>th</sup> respondent has not obtained any permission from the competent authority and, therefore, he submitted a representation to the District Educational Officer, to take necessary action. Thereupon, the DEO has sent notice to the 5<sup>th</sup> respondent. Since no final orders have been passed by the DEO in pursuance of the notice served on the 5<sup>th</sup> respondent, the petitioners have chosen to file this writ petition by invoking the jurisdiction under Art.226 of the Constitution of India.

The 5<sup>th</sup> respondent filed a counter affidavit.

Heard the learned counsel for the petitioners and the learned Government Pleader for School Education appearing for respondents 1 to 4 and Sri M.A. Ashfaq Mohiuddin appearing for the 5<sup>th</sup> respondent.

Learned counsel for the 5<sup>th</sup> respondent submits that the 5<sup>th</sup> respondent filed W.P.No.17741 of 2005, seeking direction to the competent authority to dispose of his application for permission to establish a school, and the said writ petition came to be disposed of on 11.8.2005. He placed on record a copy of the order passed in the said writ petition. The operative portion of the order passed in W.P.No.17741 of 2005 reads as follows:

“Under the above circumstances, the writ petition is disposed of directing the respondents to consider the application of the petitioner

on merits in accordance with law and pass appropriate orders as long as there is no prohibition by any orders restraining them from passing orders on the application of the petitioner. The said exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.”

The grievance of the petitioners in the writ petition is that the District Educational Officer, having issued notice on 9.5.2005 to the 5<sup>th</sup> respondent, has not passed any orders.

Learned Government Pleader for School Education submits that the DEO had ordered for enquiry and thereupon the Deputy Educational Officer conducted enquiry and submitted report and the said report is required to be taken into consideration while disposing of the application filed by the 5<sup>th</sup> respondent.

It is to be observed that since the application of the 5<sup>th</sup> respondent has been pending, necessary direction has already been given in W.P.NO.17741 of 2005.

In that view of the matter, I deem it appropriate to dispose of the writ petition directing the District Educational Officer, Ranga Reddy District, to pass appropriate orders in pursuance of the notice dated 9.5.2005 served on the 5<sup>th</sup> respondent, within two months from the date of receipt of a copy of this order. No order as to costs.

13.9.2005

CVM